

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

CHRISTOPHER RUSSO,

Defendant.

DECISION AND ORDER
04-CR-222S-5

1. On September 23, 2004, this Court referred this matter to the Honorable H. Kenneth Schroeder, United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(A), and thereafter to file a Report and Recommendation.

2. On September 8, 2005, Judge Schroeder filed a Report, Recommendation and Order recommending that Defendant's Motion to Suppress "all evidence derived from the use of electronic eavesdropping" be denied.

3. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

4. This Court has carefully reviewed Judge Schroeder's September 8, 2005 Report, Recommendation and Order, and the submissions of the parties with respect to Defendant's Motion to Suppress.

IT HEREBY IS ORDERED that this Court accepts Judge Schroeder's September 8, 2005 Report, Recommendation and Order (Docket No. 72).

FURTHER, that Defendant's Motion to Suppress (Docket No. 58) is DENIED.

SO ORDERED.

Dated: April 21, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge